

CHAPTER 17.05**GRADING AND EXCAVATION CODE**

(3259-12/94, 3621-12/03)

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17.05.010 Title. This Chapter shall be known as and may be cited as the “City of Huntington Beach Grading and Excavation Code.” “Code” as referred to in this Chapter, unless the context clearly indicates otherwise, shall mean the “City of Huntington Beach Grading and Excavation Code.”

17.05.020 Scope. This Code sets forth rules and regulations to control excavation, grading, and earthwork construction, including fills and embankments, and establishes administrative requirements for issuance of grading permits and approval of plans and inspection of grading construction in accordance with requirements for grading and excavation as contained in the Uniform Building Code then in effect as adopted and modified by City ordinance as well as water quality requirements relevant to activities subject to this Chapter. (3621-12/03)

17.05.030 Grading Manual. The Director of Public Works (“Director”) shall formulate and modify as necessary such rules, procedures, and interpretations as may be necessary or convenient to administer this Chapter. Such rules, procedures and interpretations shall be referred to as the “City of Huntington Beach Grading Manual” or the “Grading Manual.” In the event of any conflict between said Grading Manual and this Code, the provisions of this Code shall govern. The provisions of the said Grading Manual shall include provisions to assure that the water quality requirements of this Chapter apply to all such activities and, to the extent that they are made conditions of any permit by the Director, be binding on the permittee. (3621-12/03)

17.05.040 Definitions.

- (a) Approval, unless otherwise specified, shall mean a written engineering or geological opinion by the responsible engineer or geologist of record or responsible principal of the engineering company concerning the progress and completion of the work. (3621-12/03)
- (b) Approved plans shall mean the current grading plans which bear the signature of approval of the, Director, Planning Director, and Fire Chief, or their designees. (3621-12/03)
- (c) Approved testing agency shall mean a facility whose testing operations are controlled and monitored by a registered Civil Engineer and which is equipped to perform and certify the tests required by this Code, or the Grading Manual, as determined by the Director. (3621-12/03)
- (d) Borrow shall mean earth material acquired from an off-site location for use in grading on a site.
- (e) City Engineer shall mean the City Engineer of the City of Huntington Beach or a duly delegated representative.
- (f) City Inspector shall mean an inspector duly authorized by the Director of Public Works to perform inspection of grading, concrete placement and related constructed work or other grading related work approved by the Director.
- (g) Civil Engineer shall mean a professional engineer currently registered in the State of California to practice in the field of civil engineering. (3621-12/03)
- (h) Civil Engineering shall mean the application of the knowledge of the forces of nature, principles of mechanics, and the properties of materials for the evaluation, design, and construction of civil engineering works for the beneficial uses of mankind. (3621-12/03)
- (i) Clearing, brushing, and grubbing shall mean the removal of vegetation (grass, brush, and similar plant types) by mechanical means. Trees to be removed must be accompanied by a City approved arborist report and may require replacement(s). (3621-12/03)

- (j) Compaction shall mean the densification of a fill by mechanical means.
- (k) Commercial coach shall mean a vehicle with or without motive power, designed and equipped for human occupancy for industrial, professional, or commercial purposes, and shall include a trailer coach.
- (l) Director shall mean the Director of the City of Huntington Beach Public Works Department or a duly delegated representative.
- (m) Earth Material shall mean any rock, natural soil fill, or any combination thereof.
- (n) Engineering Geologist shall mean a geologist certified in the State of California to practice engineering geology.
- (o) Engineering Geology shall mean the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.
- (p) Erosion shall mean the wearing away of the ground surface as a result of the movement of wind, or water.
- (q) Erosion control system shall mean a combination of desilting facilities and erosion protection including effective planting, to protect adjacent private property, watercourses, public facilities and receiving waters from any abnormal deposition of sediment or dust. (3621-12/03)
- (r) Excavation shall mean the manual or mechanical removal of earth material. (3621-12/03)
- (s) Fill shall mean a deposit of earth material placed by artificial means.
- (t) Grade shall mean the vertical location of the ground surface.
 - (1) Natural grade is the ground surface unaltered by artificial means.
 - (2) Existing grade is the ground surface prior to grading.
 - (3) Rough grade is the stage at which the grade approximately conforms to the approved plan.
 - (4) Finished grade is the final grade of the site which conforms to the approved plan. (3621-12/03)
- (u) Grading shall mean any excavating or filling or combination thereof. (3621-12/03)
- (v) Grading contractor shall mean a contractor licensed and regulated by the State of California who specializes in grading work or is otherwise licensed to do grading work.
- (w) Grading permit shall mean an official document or certificate issued by the Director of Public Works or delegated representative authorizing grading activity as specified by approved plans and specifications.
- (x) Hillside site shall mean a site which entails cut and/or fill grading of three (3) feet or more in vertical height below or above natural ground; or a combination fill-over-cut slope equal to or greater than five (5) feet in vertical height; or where the existing grade is twenty percent (20%) or greater; and which may be adversely affected by drainage and/or stability conditions within or from outside the site, or which may cause and adverse effect on adjacent property. (3621-12/03)

- (y) Mobilehome shall mean a structure, transportable in one or more sections, designed and equipped to contain not more than two (2) dwelling units to be used with or without a foundation system. Mobilehome does not include recreational vehicle, commercial coach, or factory-built housing.
- (z) Owner shall mean any person, agency, firm, or corporation having a legal or equitable interest in a given real property.
- (aa) Permanent erosion control devices shall mean improvements which remain throughout the life of the development; they include terrace drains, down drains, slope landscaping, channels, and storm drains.
- (bb) Precise grading permit shall mean a permit that is issued on the basis of approved plans which must show all proposed improvements and site drainage to the degree required by the Director. (3621-12/03)
- (cc) Rough grading permit shall mean a permit that is issued on the basis of approved plans which do not show a structure location, but must show interim site drainage patterns to the degree required by the Director. (3621-12/03)
- (dd) Semi-permanent erosion control devices shall mean devices which are used primarily during construction and are not relocateable. They include earthen berms, concrete spillways, desilting basins, and riser/outlet pipes.
- (ee) Site shall mean any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.
- (ff) Slope shall mean an included ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance. (3621-12/03)
- (gg) Soil is naturally occurring surficial deposits overlying bedrock. (3621-12/03)
- (hh) Soil Engineer shall mean a civil engineer currently registered in the State of California whose field of expertise is soil mechanics. (3621-12/03)
- (ii) Soil Engineering shall mean the application of the principles of soil mechanics in the investigation, evaluation, and design of civil works involving the use of earth materials and the inspection and testing of the construction thereof. (3621-12/03)
- (jj) Stockpile shall mean earth material in excess of fifty (50) cubic yards stored for a temporary period of time upon a lot as permitted by the Director. (3621-12/03)
- (kk) Stormwater Permits shall mean any permits issued by a local, state or federal regulatory agency regulating stormwater flow over and from any project subject to this article including but not limited to NPDES permits and state general permits as defined in Chapter 14.25. (3621-12/03)
- (ll) Temporary erosion control devices shall mean devices which are removable and can rarely be salvaged for subsequent reuse. In most cases, they will last no longer than one rainy season. They include sandbags, gravel bags, plastic sheeting (visqueen), silt fencing, straw bales, and similar items. (3621-12/03)
- (mm) Terrace shall mean a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes. (3621-12/03)

- (nn) Water quality requirements shall mean the requirements relevant to activities that are subject to this Chapter and found in the City Stormwater and Urban Runoff Management Ordinance, Chapter 14.25, and the current County of Orange Drainage Area Management Plan (“DAMP”) including all appendices and guidance documents included in the DAMP, as well as requirements relevant to the activities that are subject to this Chapter found in stormwater permits. (3621-12/03)

17.05.050 Grading permits. No person shall conduct any grading, clearing, brushing, or grubbing on natural or existing grade that is preparatory to grading, without first having obtained a grading permit from the Director. Exceptions to this requirement are as follows or as otherwise determined by the Director:

- (a) An excavation below finished grade for basements and footings of a building, mobilehome, retaining wall, or other structure authorized by a valid building permit or construction permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than five (5) feet after the completion of such structure. This shall not prohibit a minimum fee grading permit or soil or geologic report from being required for foundation design and inspection purposes when, in the opinion of the Director, soil stability or flooding considerations warrant such inspection.
- (b) Cemetery graves.
- (c) Refuse disposal sites controlled by other regulations.
- (d) Earthwork construction regulated by the Federal, State, County, or City Governments, or by any local agency as defined by Government Code Section 53090 through 53095 (special districts), pipeline or conduit excavation and backfill conducted by local agencies or public utilities, earthwork construction performed by railway companies on their operating property. This exemption, however, shall apply only when the earthwork construction takes place on the property, dedicated rights-of-way, or easements of the above agencies.
- (e) Excavation and backfill for installation of underground utilities by public utilities or companies operating under the authority of a franchise or public property encroachment permit.
- (f) Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, under other agency permit(s), provided such operations do not affect the lateral support or increase the stresses in or pressures upon any adjacent or contiguous property. (3621-12/03)
- (g) Exploratory excavations under the direction of soil engineers or engineering geologists, provided all excavations are properly backfilled as required by the Director. All such excavations and trenches are subject to the applicable sections of Title 8 of the State Orders, Division of Industrial Safety. (3621-12/03)
- (h) An excavation which does not exceed fifty (50) cubic yards on any one site and which is less than two (2) feet in vertical depth, or which does not create a cut slope greater than five (5) feet in vertical height and steeper than two to one vertical (2:1).
- (i) A fill less than one foot in depth placed on natural grade with a slope flatter than five horizontal to one vertical (5:1), which does not exceed fifty (50) cubic yards on any one site and does not obstruct a drainage course. (3621-12/03)
- (j) A fill less than three (3) feet in depth, not intended to support structures or mobilehomes which does not exceed fifty (50) cubic yards on any one site and does not obstruct a drainage course. (3621-12/03)

17.05.060 Grading permit, paving. No person shall construct pavement surfacing in excess of three thousand (3,000) square feet, on natural or existing grade without a valid grading permit unless waived by the Director, or unless a separate improvement plan for such paving is approved by the Director. Resurfacing or maintenance of paved surfaces shall be exempt from this requirement.

17.05.070 Grading permit, watercourse alteration. No person shall alter an existing watercourse, channel, or revetment by excavating, or placing fill, rock protection, or structural improvements without a valid grading permit unless waived by the Director or performed as interim protection under emergency flood fighting conditions.

17.05.075 Grading permit, construction. No person shall perform any construction, for which a building permit is required, without a valid grading permit unless waived by the Director. The following building categories shall be exempt from this requirement, provided that such construction does not alter an existing watercourse, channel or revetment: roofing, block walls, swimming pools, patio covers, driveways or on-site paving less than three thousand (3,000) square feet in area, patio enclosures less than four hundred (400) square feet in area, and building additions less than four hundred (400) square feet in area.

17.05.080 Temporary stockpile permit.

- (a) The City may issue a temporary stockpile permit, in lieu of a grading permit, to stockpile soil on a lot or parcel upon the submission of an application for a temporary stockpile permit by the owner of such lot, or by the owner's authorized agent. A stockpile plan of the lot prepared by a licensed civil engineer or as otherwise approved by the Director shall be submitted for approval. The stockpile plan shall show the area(s) in which the stockpiles are to be placed, the approximate amount of soil to be stockpiled, along with the stockpile height restriction noted, shall be required. (3621-12/03)
- (b) Soil so stockpiled shall not be disturbed or leveled until a regular grading permit has been obtained for such work. The placement of the stockpile shall not adversely affect the safety, use, or stability of any structure, nor create a nuisance because of dust or erosion therefrom, nor block a public way or drainage course; nor shall such placement of stockpile material constitute a hazard to public welfare or endanger property. Stockpiling in a residential zone may be permitted under this section for purposes of providing fill material to be used on-site only. Stockpiling in residential zones for purposes of selling of material shall be prohibited.
- (c) The temporary permit shall expire one (1) year after issuance thereof. A new permit shall be required annually.
- (d) The permit fee for stockpiling shall be established by resolution of the City Council.

17.05.090 Types of grading permits. Either a rough grading permit or a precise grading permit may be issued for grading work upon completion of an application in accordance with the Grading Manual and approval by the Director. The rough or precise grading permit is the option of the permittee provided that the plans satisfy the requirements of the Grading Manual. Building permits shall not be issued for a site graded under a rough grading permit until a precise grading permit has been issued or as otherwise approved by the Director. (3621-12/03)

17.05.100 Enforcement. Whenever any building or grading work is being done contrary to the provisions of this Code or the Grading Permit, the Director may order the work stopped by notice, in writing, served on any persons engaged in the doing or causing such work to be done; and any such persons shall forthwith stop such work until authorized by the Director to proceed with the work.

17.05.110 Violations and penalties.

- (a) It shall be unlawful for any person, firm, or corporation to do grading in the City of Huntington Beach, or cause the same to be done, contrary to or in violation of any of the provisions of this code.
- (b) The issuance of a building permit, performance of building permit inspections, or issuance of a certificate of use and occupancy, may be withheld for property on which a violation of the provisions of this Code exists, including work performed not in accordance with approved grading plans, until such violation has been corrected or mitigated to the satisfaction of the Director. The Director shall consult, as appropriate, with the Director of Community Development.
- (c) Any person, firm, or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$500 or by imprisonment for not more than six (6) months, or by both such fine and imprisonment for each offense.

17.05.120 Hazardous conditions.

- (a) Existence: Hazardous conditions exist when the state of any natural ground, natural slopes, excavation, fill, or drainage device, all of which exist on public or private property, is a menace to life or limb, or a danger to public safety, endangers or adversely affects the safety, usability or stability of adjacent property, structures, or public or private facilities.
- (b) Examination: The Director may examine or cause to be examined every condition reported as hazardous as set forth in subsection (a) of this section.
- (c) Notice of Hazardous Condition Hearing: In any case where a hazardous condition is found by the Director, the Director shall give notice, setting forth the finding to all owners of the property affected by the hazardous condition, authorized representative of the owners or a permittee under any active permit which gives permittee control of the property issued pursuant to this Code, hereinafter referred to as “owner”, of such required corrective work. The notice may state the time and place of a hearing to be held if the owner fails to comply with any demand for corrective work or reports. The purpose of the hearing would be for the presentation of evidence concerning the hazardous conditions and demand for corrective work or submission of reports. The notice shall set forth the right of the owner to be present at the hearing and introduce such relevant evidence on the issues. If the time and place of any hearing scheduled for the presentation of evidence is not included in the initial notice(s), it shall be included in a subsequent notice.
- (d) Evidence: At the time and place so specified for the hearing, evidence shall be submitted as to the facts of any condition as to reasonably establish its existence, and the Director or designee, as Hearing Officer, shall determine whether the facts presented reasonably establish the existence of a hazardous condition to the satisfaction of the Hearing Officer.
- (e) Order, Finality, and Appeal: If the Hearing Officer determines the existence of a hazardous condition, the Hearing Officer shall determine whether such hazards are subject to corrective work and/or the need for more analysis through the preparation of reports and shall order such work or reports and specify a completion time.
 - (1) Finality of order: The determination and order may be made orally at the hearing and shall be written and transmitted to the owner within a reasonable time. The determination and order shall become final within five (5) days, excluding Saturdays, Sundays, and holidays, from the time it is first rendered. In the event that the owner was not present at the hearing, within five (5) days of the mailing of the order to the last known address of said owner.

(2) Appeal: The owner may, at any time prior to the determination and order becoming final, appeal in writing the decision of the Hearing Officer to the City Council.

(f) Completion of Work: The owner shall, following the finality of the determination and order of the Hearing Officer, or if appealed, the determination and order of the City Council, commence the corrective action ordered or preparation of reports; and such work or submissions shall be completed within the specified time.

(g) Failure to Complete Work: If the owner neglects or fails to complete the corrective work or submit the reports ordered by the Hearing Officer or City Council within the specified time, the Director may;

(1) cause the work to be performed or reports to be prepared or,

(2) advise the owner of the need for corrective work and warn him/her that in the absence of such corrective work, subsequent future hazards may occur which could result in an order to vacate the premises.

Nothing in this subsection shall be construed to limit the type of remedy or relief which the Director may have under any other provision of law.

(h) Costs: Costs incurred by the City to perform any corrective work or prepare reports under subsection (g) above, shall be charged to the owner. The Director may apply to the City Council to cause the costs to be paid and levied as a special assessment against the property and collected in a manner provided for special assessments.

(i) Vacation of property: If necessary, the notice and order in subsection (c) or (e) of this section shall include the requirement that the property, a portion thereof, or adjacent sites be vacated within a specified time, in the interest of public safety, pending the finality of any determination and order for completion of corrective work.

(j) Notice: The Director shall cause the property to be posted at conspicuous locations with a notice containing at least the following:

UNSAFE TO OCCUPY DO NOT ENTER
Director of Public Works CITY OF HUNTINGTON BEACH
Date Posted _____

Said posted notice may also contain the date, time, and place of the hearing and the name, address, and telephone number of the Office of The Director where additional information may be obtained. Such posted notices shall remain posted until any necessary corrective work is completed. Such posted notices shall not be removed without written permission of the Director, and no person shall enter the property except for the purpose of making the required corrections or preparing reports.

(k) Service of Notices: The notices and order required by subsections (c) and (e) of this section may be served either:

(1) By mailing a copy by certified mail, return receipt requested, to the owner's address as designated on papers, applications, or permits on file with the City of Huntington Beach; or

- (2) By personally delivering a copy to the owner's address as designated on papers, applications, or permits on file with the City of Huntington Beach; or
- (3) If the owner is absent from his place of residence and from his usual or designated place of business, by leaving a copy with some person of suitable age and discretion at either place, and sending a copy by certified mail, return receipt requested, addressed to the owner or authorized representative at his place of residence; or
- (4) If such place of residence and business cannot be ascertained, or a person of suitable age or discretion there cannot be found, then by affixing a copy in a conspicuous place on the property, building or structure and also delivering a copy to a person there residing, if any, or to the person in charge, if any; and also sending a copy by certified mail, return receipt requested, addressed to the owner at the place where the property, building or structure is situated, or to the owner at his last known or designated address, or both.

17.05.130 Application for permit.

- (a) To obtain a grading permit, the applicant must first file an application in writing on a form furnished by the Director. The permit application shall be accompanied by information required by the Director and as specified in the Grading Manual.
- (b) Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans submitted for checking may thereafter be returned to the applicant or destroyed by the Director. The Director may extend the time for action by the applicant for a period not exceeding 180 days upon written request by the applicant, showing that circumstances beyond the control of the applicant have prevented action from being taken. In order to renew action for an application, after expiration, the applicant shall resubmit plans and pay a new plan check fee.

17.05.140 Plans and specifications.

- (a) Each application for a grading permit shall be accompanied by plans and specifications, and supporting data consisting of soil engineering and engineering geology reports when required by the Director.
- (b) Plans and specifications shall be prepared and signed by a Civil Engineer, unless otherwise approved by the Director.

17.05.150 Soils and geology reports.

- (a) A soil engineering and engineering geology report shall be required for grading projects, unless otherwise waived by the Director. The reports shall include information appropriate for the site including any information required by the Director. Recommendations included in the reports and approved by the Director shall be incorporated in the grading plans or specifications.
- (b) Soils clean up must comply with Huntington Beach Fire Code Section 17.56.165 (CFC §8001.5.2.5) and Fire Department Specification No. 431-92 - responsibility for clean up of contaminated soil. (3621-12/03)

17.05.160 Issuance, expiration, and renewal. Every permit issued shall be valid for a period of two (2) years from the date of issuance, except as specified in Subsection (a) and (b) below:

- (a) Every permit issued shall expire by limitation and become void if the work authorized by such permit is not commenced within 180 days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. The Director may extend the 180 day expiration time limit on permits not to exceed two (2) successive periods of 180 days each, upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken.
- (b) A permit issued hereunder shall expire upon a change of ownership if the grading work thereon, for which said permit was issued, has not been completed, and a new permit shall be required for the completion of the work. If the time limitation of (a) of this section is not applicable, and if no changes have been made to the plans and specifications last submitted to the Director, no charge shall be made for the issuance of the new permit under such circumstances. If, however, changes have been made to the plans and specifications last submitted to the Director, fees based on the valuation of the additional work, additional yardage, and necessary plan checking shall be charged to the permit applicant.

The Director may require that grading operations and project designs be modified if delays occur which include weather related problems not considered at the time the permit was issued, and further subject to the provisions of Section 17.05.170, “Denial of Permit,” of this Code. If the permittee is unable to complete the work by the end of a two (2) year period, the Director may renew the grading permit on an annual basis for a fee of one-half the amount required for the original permit for such work, provided no changes have been made in the original plans and specifications for such work.

17.05.170 Denial of permit.

- (a) The Director shall not issue a permit in any case where it is found that the work as proposed by the applicant is liable to constitute a hazard to property or result in the deposition of debris on any public or private way or interfere with any existing drainage course. If it can be shown to the satisfaction of the Director that the hazard can be essentially eliminated by the construction of retaining structures, buttress fills, drainage devices or by other means, the Director may issue the permit with the condition that such work be performed.
- (b) If, in the opinion of the Director, the land areas for which grading is proposed is subject to geological or flood hazard to the extent that no reasonable amount of corrective work can eliminate or sufficiently reduce the hazard to human life or property, the Grading permit shall be denied.
- (c) The Director may require plans and specifications to be modified in order to mitigate anticipated adverse environmental effects of proposed grading projects. The Director may, under circumstances where the significant adverse environmental effects of the proposed grading project cannot be mitigated, deny the issuance of a grading permit.
- (d) The Director may require plans and specifications to be modified in order to make them consistent with the City of Huntington Beach General plan, Specific Plans, Zoning Code or other rules, regulations, or conditions applicable to the project. The Grading Permit may be denied if the proposed project cannot be designed in accordance with these rules, regulations, or conditions.

17.05.180 Time of grading operations. Grading operations shall not be conducted between the hours of 8:00 PM and 7:00 AM nor on Sundays and federal holidays. The Director may, however, permit grading or equipment operations during specific hours after 8:00 PM or before 7:00 AM and on Sundays and federal holidays if it is determined that such operations are not detrimental to the health, safety, or welfare of the area residents. Permitted hours of operation may be shortened by the Director’s finding of a previously unforeseen effect on the health, safety, or welfare of the surrounding community. However, no permit that has been issued, nor any provision of this section, shall be construed to be a waiver of the applicability of the provisions set forth in Chapter 8.40 of the Huntington Beach Municipal Code relating to noise control.

17.05.190 Responsibility of permittee. It shall be the responsibility of the permittee to be knowledgeable of the conditions and restrictions of the Grading Permit as outlined in applicable sections of this Code, the Grading manual, and as contained on the approved grading plans and in the approved soil and geology reports. The permittee shall also be responsible to maintain, in an obvious and accessible location on the site, a copy of the grading plans bearing the stamp of approval of the Director.

17.05.200 Protection of adjoining property. Each adjacent owner is entitled to the lateral and subjacent support which his land receives from the adjoining land, subject to the right of the owner of the adjoining land to make proper and usual excavations on the same for purposes of construction or improvements as provided by law.

17.05.210 Import and export of earth material. Where an excess of 5,000 cubic yards of earth per project site is moved on public roadways from or to the site of an earth grading operation, all the following requirements shall apply:

- (a) Either water or dust palliative or both must be applied for the alleviation or prevention of excessive dust resulting from the loading or transportation of earth from, to, or within the project site on public roadways. The permittee shall be responsible for maintaining public rights-of-way used for handling purposes in a condition free of dust, earth or debris attributed to the grading operation.
- (b) Loading and transportation of earth from or to the site must be accomplished within the limitations established in Section 17.05.180, "Time of Grading Operations," of this Grading Code.
- (c) Access roads to the premises shall be only at points designated on the approved grading plan.
- (d) The last fifty (50) feet of the access road, as it approaches the intersection with the public roadway, shall have a grade not to exceed three percent (3%) and be constructed of gravel or equivalent material to prevent mud and debris from dropping from wheels onto street travel lanes. There must be 300 feet clear, unobstructed sight distance to the intersection from both the public roadway and the access road. If the 300 feet sight distance cannot be obtained, flagmen shall be posted.
- (e) A stop sign conforming to the requirements of the California Vehicle Code shall be posted at the entrance of the access road to the public roadway.
- (f) An advance warning sign must be posted on the public roadway 400 feet on each side of the access intersection, carrying the words "Truck Crossing." The sign shall be diamond shaped, each side being thirty (30) inches in length, shall have a yellow background, and the letters thereon shall be five (5) inches in height. The sign shall be placed six (6) feet from the edge of the pavement, and the base of the sign shall be five (5) feet above the pavement level. The advance warning sign shall be covered or removed when the access intersection is not in use.
- (g) If the grading project includes the movement of earth material to or from the site in an amount considered substantial by the Director, the permittee shall submit the haul route for review and approval by the Director. The Director may require, as a special condition of the grading permit, alternate routes or special requirements in consideration of the possible impact on the adjacent community environment or effect on the public right-of-way.

17.05.220 Grading plan check fees. The applicant shall pay a plan check fee as established by resolution of the City Council and as provided in the Grading Manual at the time an application for a grading permit is made.

17.05.230 Grading permit fees. A fee for each grading permit shall be paid prior to issuance of a grading permit as established by resolution of the City Council and as provided in the Grading Manual.

17.05.240 Cost recovery fees. If the city performs emergency work on private property, the property owner shall be charged all direct and indirect costs which are necessary to complete the work to the Director's satisfaction. In addition, the Director may charge a mobilization cost equal to ten percent (10%) of the cost for performing the work.

17.05.250 Security.

- (a) A grading permit shall not be issued unless the permittee shall first post with the Director security in a form and amount set forth in the Grading Manual. The security is required to assure that the work, if not completed in accordance with approved plans and specifications, will be corrected to eliminate hazardous conditions and/or correct conditions that pose a threat to environmental resources including but not limited to a threat to water quality. This requirement may be waived at the discretion of the Director if it is determined that: (3621-12/03)
- (1) No hazardous situation is likely to occur as a result of incomplete or improper grading, and
 - (2) No adverse effect is likely to occur to subject property, adjacent property, or an existing or proposed structure thereon as a result of incomplete or improper grading, and
 - (3) No significant drainage, erosion, flooding, or siltation problems will exist as a result of incomplete or improper grading, and
 - (4) No adverse geological or environmental impacts will occur as a result of incomplete or improper grading, and
 - (5) No conditions of the permit warrant a financial guarantee to assure their satisfactory completion.
- (b) **Multiple Projects:** On developments where progressive individual grading projects or several concurrent projects are being constructed by one owner, a continuing (blanket) form of security which will cover all such projects may be accepted and the amount determined by the Director.
- (c) **Additional Security:** Additional security in an amount determined by the Director may be required to ensure the completion of finish grading under the permit as a condition of occupancy and energizing utilities. Security in an amount determined by the Director may be required for permits involving temporary earthen stockpiles to ensure their timely removal.
- (d) **Failure to Complete Work:** In the event of failure to comply with all of the conditions and terms of the permit, the Director may order the work authorized by the permit to be completed or put in a safe condition.
- (e) **Default in Performance of Conditions:** Whenever the Director finds or determines that a default has occurred in the performance of any requirement of a condition of a permit, or there is a failure to comply with an order issued pursuant to subdivision (d), written notice thereof shall be given to the permittee and, when applicable, to the surety on the bond or other security. Such notice shall specify the work to be done, the estimated cost thereof, and the period of time deemed by the Director to be reasonably necessary for the completion. After receipt of such notice, the permittee and, if applicable, surety, shall within the time specified, cause or require the work to be performed. If the work is not performed, the estimated cost of performing the work shall be demanded from the surety or, if there is no surety, obtained from the security, and the Director shall cause such work to be performed and completed. The cost of the work shall include a mobilization charge as specified in Section 17.05.240.

17.05.260 Cuts. Cut slopes shall be no steeper than two horizontal to one vertical (2:1) unless otherwise recommended in the soil engineering or engineering geology report and approved by the Director. The slope of cut surfaces shall be no steeper than is safe for the intended use.

17.05.270 Fills. Fill slopes shall be no steeper than two horizontal to one vertical (2:1) unless otherwise recommended in the soil engineering or engineering geology report and approved by the Director. The slope of fill surfaces shall be no steeper than is safe for the intended use.

17.05.280 Setbacks. Structures shall be set back from the tops and toes of slopes as specified in the Grading Manual.

17.05.290 Drainage and terracing. Drainage facilities and terracing shall conform to the provisions of the Grading Manual unless otherwise approved by the Director and delineated on the approved grading plan.

17.05.300 Asphalt concrete pavement.

- (a) Asphalt concrete pavement for surfacing of parking lots, private streets, or other similar uses shall conform to the provisions of the Grading Manual unless otherwise approved by the Director.
- (b) The site soil engineer or special inspector shall inspect the construction of asphalt paved areas and verify to the Director that the work was performed in compliance with the provisions of this section.

17.05.310 Erosion control and water quality requirement systems. (3621-12/03)

- (a) The faces of cut and fill slopes and the project site shall be prepared and maintained to control against erosion in accordance with this Code. Where cut slopes are not subject to erosion due to erosion-resistant character of the materials, such protection may be omitted upon approval by the Director. (3621-12/03)
- (b) Where necessary, temporary or permanent erosion control devices such as desilting basins, check dams, riprap, or other devices or methods as approved by the Director, shall be employed to control erosion and provide safety during the rain season, from October 1 to April 30. (3621-12/03)
- (c) No grading work in excess of 200 cubic yards will be allowed between October 1 and April 30 on any single grading site under permit unless an erosion control system has been approved or waived by the Director. (3621-12/03)
- (d) Paved streets, sidewalks, and other improvements shall be maintained in a neat and clean condition free of loose soil, construction debris, and trash. Street sweeping or other equally effective means shall be used on a regular basis to prevent storm flows from carrying sediment and debris outside the project boundaries. Watering shall not be used to clean streets except for fine material not otherwise removed by sweeping or other mechanical means.
- (e) Unless otherwise approved by the Director, the owner shall be required to retain a civil engineer who will be responsible for the design of all erosion control improvements and initial approval of the installation of permanent and semi-permanent erosion control devices during each rainy season, until the work authorized by the permit is given final approval. The owner shall retain the civil engineer to periodically review the field condition and modify, as needed, the design of the permanent and semi-permanent erosion control devices during the rainy season. Installation and maintenance of all erosion control devices shall be the responsibility of the owner.
- (f) Desilting facilities shall be provided and maintained by the owner at drainage outlets from the graded site.

- (g) Desilting basins shall be designed to provide a minimum desilting capacity equal to the current City of Huntington Beach standards.
- (h) Desilting basins shall be constructed around the perimeter of projects whenever feasible when it provides improved maintenance access from paved roads during wet weather. (3621-12/03)
- (i) Equipment and workers for emergency work shall be made available at all times during the rainy season. Necessary materials shall be available on-site and stockpiled at convenient locations to facilitate rapid construction of temporary devices when rain is imminent. (3621-12/03)
- (j) Erosion protection shall consist of effective planting of all slopes in excess of three (3) feet high unless otherwise approved by the Director. Slopes exceeding five (5) feet in height may require an adequate sprinkler system, as determined by the Director. Protection for slopes shall be installed as soon as practicable. Effective planting shall be installed, fully germinated, and effectively cover the required slopes prior to final approval, unless otherwise approved by the Director. (3621-12/03)
- (k) Design or erosion control provisions shall consider drainage patterns during present and future phases of grading throughout the rain season. (3621-12/03)
- (l) All removable protective devices shown shall be in place at the end of each working day when the five (5) day rain probability forecast exceeds forty percent (40%). (3621-12/03)
- (m) Graded areas around the project site perimeter shall drain away from the face of slopes at the conclusion of each working day. (3621-12/03)
- (n) In addition to the requirements specified above, the permittee shall perform all work in accordance with the water quality requirements. (3621-12/03)
- (o) Any violation of an applicable federal or state-issued stormwater permit, or failure to conform to the City's water quality requirements prepared pursuant to such a permit or pursuant to this Chapter or to the City's Stormwater and Urban Runoff Management Ordinance Chapter 14.25 and current County of Orange DAMP, or failure to comply with stormwater related provisions of a City issued grading permit or of a grading plan prepared to secure such a permit, is also a violation of this Chapter. (3621-12/03)

17.05.320 Erosion control plans. Erosion control plans prepared by the engineer of record and in accordance with provisions of the Grading Manual shall be submitted to the Director for approval by September 15 of each year for projects under grading permit. The erosion control plan may be waived for grading projects on single residential lot projects providing that an erosion control system, meeting the approval of the Director, has been installed, placed, planted, or constructed before October 1. (3621-12/03)

17.05.330 Erosion control maintenance.

- (a) After each rainstorm the owner shall ensure that silt and debris is removed from check berms and desilting basins and that basins are pumped dry.
- (b) After each rainstorm, the performance of the erosion control system shall be evaluated and repaired as necessary.
- (c) Devices shall not be moved or modified without the approval of the Director.
- (d) The owner shall take necessary precautions to prevent public trespass onto areas where impounded water creates a hazardous condition.

- (e) The owner shall be responsible for continual maintenance of the devices during the rain season. In the event of failure or refusal by the owner to properly maintain the devices, the Director may cause emergency maintenance work to be done to protect the adjacent private and public property. The cost shall be charged to the owner and shall include an initial mobilization cost, and the cost of doing the work.
- (f) In the event the Director must cause emergency maintenance work to be done, the Director may revoke the grading permit in writing. The grading permit shall not be renewed until an erosion control system and/or other systems necessary to comply with water quality requirements approved by the Director are installed and a fee of one-half the amount required for the original grading permit paid by the owner. The Director may waive installation of an erosion control system after April 30. (3621-12/03)
- (g) If any grading subject to Section 17.05.060, “Grading permits,” of this code is commenced on private property without a valid grading permit, the owner may be required to prepare and implement an erosion control plan as well as other plans required under the water quality requirements which has been approved by the Director. In the event of failure by the owner to install an approved erosion control system, and/or other systems necessary to comply with water quality requirements, the Director may cause emergency work to be done to protect adjacent private and public property. The procedures of Section 17.05.120, “Hazardous condition,” of this Code, need not apply for emergency erosion control work between October 1 and April 30. The cost shall be charged to the owner in accordance with item (e) of this section. (3621-12/03)
- (h) All landscaping that is considered erosion control shall be continually maintained and shall be controlled by an automatic time clock system. (3621-12/03)

17.05.340 Inspection authority. All grading operations for which a permit is required shall be subject to inspection by the Director.

17.05.350 Engineer of Record responsibility.

- (a) It shall be the responsibility of the Civil Engineer of record who prepares the grading plan approved by the Director, to incorporate all recommendations from the soil engineering and engineering geology reports into the grading plan. The Engineer of Record shall be responsible for the professional inspection and approval of the grading within his other area of technical specialty. This responsibility shall include, but need not be limited to, inspection and approval line, grade, and drainage of the development area. The Engineer of Record shall be responsible for the preparation or coordination of revised plans, erosion control plans, and the submission of as-graded grading plans, when required by the Director upon completion of the work. (3621-12/03)
- (b) The Soil Engineer’s area of responsibility shall include, but need not be limited to, the professional inspection and approval concerning the preparation of ground to receive fills, testing for required compaction, stability of all finish slopes, design of buttress fills, subdrain installation, and incorporation of data supplied by the Engineering Geologist.
- (c) The Engineering Geologist’s area of responsibility shall include, but need not be limited to, professional inspection and written approval of the adequacy of natural ground for receiving fills, the stability of cut slopes with respect to geological matters, and the need for subdrains or other ground water drainage devices. The Engineering Geologist shall report findings to the soil Engineer and the Civil Engineer for engineering analysis.
- (d) The Director may inspect the project at various stages of work requiring approval to determine that adequate control is being exercised by the responsible professionals.

17.05.360 Notification of non-compliance. If, in the course of fulfilling their responsibility under this Code, the Civil Engineer, the Soil Engineer, the Engineering Geologist, or the Testing Agency finds that the work is not being done in conformance with the provisions of the approved specifications and grading plans, the discrepancies shall be reported immediately in writing to the person in charge of the grading work and to the Director. Recommendations for corrective measures, if necessary, shall be submitted to the owner. The owner shall submit two (2) copies of all recommendations and reports to the Director.

17.05.370 Transfer of responsibility for approval. If the Civil Engineer, the Soil Engineer, the Engineering Geologist, the Testing Agency, or the Grading contractor or Record are changed during the course of the work, the work shall be stopped unless:

- (1) the owner submits a letter of notification to the Director verifying the change of the responsible professional; and
- (2) the new responsible professional submits in writing to the Director that he or she has reviewed all prior reports and plans (specified by date and title) and work performed by the prior responsible professional and that he or she concurs with the findings, conclusions, and recommendations, and is satisfied with the work performed.

17.05.380 Site inspection by the City Inspector.

- (a) Prior to the approval of any building or grading plans and specifications, the city Inspector may inspect the site to determine that the plans and specifications are current and reflect existing conditions.
- (b) The contractor or agent shall notify the City Inspector and Fire Department if, during the course of grading operations, contaminated soil is uncovered. (3621-12/03)
- (c) The permittee or agent shall notify the city Inspector when the grading operations for which inspection is required are ready for inspection.
- (d) If the Inspector finds the soil or other conditions not as stated in the approved plans and soil or geology reports, or as in additional information which was required for issuance of the grading permit, the Inspector may refuse to allow further work until approval is obtained for a revised grading plan which will conform to the conditions.
- (e) The provisions of section 104.2.4, Stop Orders, of the California Building Code, shall apply to all grading work, and whenever the City Inspector determines that any work does not comply with the terms of a permit, or this Code, or that the soil or other conditions are not as stated on the permit, the Inspector may order the work stopped by notice in writing served on any persons engaged in doing or causing of such work to be done and any such persons shall forthwith stop such work until authorized by the City Inspector to proceed with the work. (3621-12/03)

17.05.390 Special inspections. The Director may establish special inspection requirements in accordance with Section 1701, Special Inspections of the California Building Code, as amended for special cases involving grading or paving related operations. Special cases may apply to work, where in the opinion of the Director, it is necessary to supplement the sources or expertise available for inspection. (3621-12/03)

17.05.400 Final reports. Upon completion of the rough grading work and at the final completion of the work, the Director may require the written approvals, reports, drawings, and supplements thereto specified in the Grading Manual.

17.5.410 Notification of completion. The permittee or agent shall notify the City Inspector when the grading operation is ready for final inspection. All work, including installation of all drainage facilities and their protective devices and all erosion control measures, must be completed in accordance with the final approved grading plan and the required reports approved by the Director before final approval of the grading permit may be given by the City Inspector.

